

### **REMARKS**

In the Final Office Action mailed November 29, 2007, the Examiner rejected claims 1-6. In the Advisory Action dated March 20, 2008, the Examiner maintained the rejections set forth in the Final Office Action. In this Reply, Applicants has amended claims 1 and 3 to more clearly define the invention. The amendments are supported by the specification. For example, the amendments to claims 1 and 3 are supported by FIG. 2 and FIG. 3 and the corresponding description at pages 9-11 in the specification. No new matter is added by this response. After entry of this paper, claims 1-6 remain pending in this application.

Applicants would like to thank Examiner Peche for the courtesy and consideration extended to the Applicants' undersigned representative during the telephone interview conducted on April 24, 2008. The following remarks reflect the substance of the interview.

#### **Claim Rejections under 35 U.S.C. §103(a)**

In the Advisory Action dated March 20, 2008, the Examiner maintained the rejections set forth in the Final Office Action dated November 29, 2007. *See Advisory Action* at pp. 1 and *Final Office Action* at pp. 2-7. In particular, the Examiner continued to reject claims 1-6 under 35 U.S.C. §103(a) as being obvious under U.S. Patent No. 7,155,316 to Sutherland et al. ("Sutherland").

Applicants have amended independent claims 1 and 3 to further define the physical safety barrier and the three-dimensional spatial regions. Applicants believe

that the amended claims are distinguishable from Sutherland, and request that the rejections be withdrawn.

In the Final Office Action, The Examiner seemed to indicate that because two moveable arms 102 and 103 in Sutherland are moveable in six-degree of freedom, the two moveable arms can define two three-dimensional spatial regions as required in independent claims 1 and 3. *Final Office Action* at pp. 3.

Claims 1 and 3 have been amended to require: "wherein each of the three-dimensional spatial regions has a substantially spherical shape with a predetermined radius". Even if the two moveable arms of Sutherland can move in six-degree of freedom, Sutherland fails to teach or disclose that "each of the three-dimensional spatial regions has a substantially spherical shape with a predetermined radius." Thus, Sutherland does not teach or disclose "defining at least two three-dimensional spatial regions, wherein each of the three-dimensional spatial regions has a substantially spherical shape with a predetermined radius". Therefore, independent claims 1 and 3 are allowable over Sutherland.

In addition, the Examiner seems to equate the mount 35 and the fiducial markers 36 in Sutherland to the physical safety barrier in Claims 1 and 3. *Final Office Action* at pp. 3.

Claims 1 and 3 have been amended to require "constructing a physical safety barrier surrounding a movable robot including a base mounted on a floor". Even assuming, for sake of argument only, that the mount 35 of Sutherland, which is fixed to the head of the patient during operation, can be equated to a physical barrier around tips of the robot arms during operation, however, Sutherland fails to disclose a physical

safety barrier surrounding a movable robot including a base mounted on a floor.

Therefore, independent claims 1 and 3 are further allowable over Sutherland.

Claims 2 and 4-6 depend from claim 1 or 3, respectively; and thus, claims 2 and 4-6 are patentable for at least the same reasons as set forth above in connection with independent claims 1 and 3.

### **Conclusion**


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By:   
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Jin Zhang  
Reg. No.: L.R. No. L0223  
Direct: (650) 849-6677